

AG Contract No. KR96 0429TRN  
ADOT ECS File No. JPA 96-21  
Project: Refuse Collection/Disposal  
Section: ADOT Maintenance Yard  
State Port of Entry

**INTERGOVERNMENTAL AGREEMENT**

**BETWEEN**

**THE STATE OF ARIZONA**

**AND**

**THE TOWN OF FREDONIA**

THIS AGREEMENT is entered into 19 APRIL, 1996,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF  
TRANSPORTATION (the "State") and the TOWN OF FREDONIA, acting by and through  
its MAYOR and TOWN COUNCIL (the "Town").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. Incident to the State's operation of an ADOT maintenance yard and Port of Entry near the Town, it is necessary to obtain solid waste container pickup and disposal services. The Town has agreed to provide these services on a reimbursable basis, all in accordance with Exhibit A, which is attached hereto and made a part hereof.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

|   |
|---|
| NO. <u>20637</u>                              |
| FILED WITH SECRETARY OF STATE                 |
| Date Filed <u>04/19/96</u>                    |
| <u>Joan of Arc Hull</u><br>Secretary of State |
| By <u>Vicky Greenwood</u>                     |

## II. SCOPE OF WORK

### 1. The Town will:

a. Beginning 1 May 1996, provide solid waste container refuse pickup and disposal from the State's ADOT maintenance yard and the Port of Entry in accordance with Exhibit A.

b. Invoice the State for services provided in accordance with Exhibit A.

### 2. The State will:

a. Reimburse the Town for services provided within 30 days after receipt of invoices.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party, or other competent authority.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Contract Maintenance Services  
205 South 17 Avenue, Mail Drop 118F  
Phoenix, AZ 85007

Town of Fredonia  
Town Clerk

Fredonia, AZ 86022

Box 217

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF FREDONIA

STATE OF ARIZONA

Department of Transportation

By

  
BRENT MACKELPRANG

Mayor

By

  
PETER L. ENO

Contract Administrator

ATTEST

By

\_\_\_\_\_  
BARBARA KIMBALL

Town Clerk

## Exhibit A to JPA 96-21

### 1. REFUSE CONTAINER SIZE AND QUANTITY:

| <u>Location</u>  | <u>MP</u> | <u>Size</u>     | <u>Quantity</u> |
|------------------|-----------|-----------------|-----------------|
| Maintenance Yard | 610.9     | 3 yard dumpster | 1 Each          |
| Port of Entry    | 610.2     | 3 yard dumpster | 1 Each          |

### 2. WORK SCHEDULE

Dumpsters shall be emptied once each week between the hours of 8:00 A.M. and 3:00 P.M., Monday through Friday. If the regularly scheduled pickup day falls on a State Holiday, the trash pickup shall be accomplished on the next work day.

### 3. EQUIPMENT AND SUPPLIES

- a. Containers shall conform to ALL current Federal, State, Local and OSHA rules and regulations.
- b. The location of all containers is to be agreed upon prior to beginning service.
- c. Dumpsters shall be maintained in good condition, including lids that close properly.

### 4. COST OF SERVICE, BILLING

Cost for service at **EACH** location shall be \$40 per month plus \$12.50 landfill charge, for a total of \$52.50.

Separate billings are required for each location. Billing shall be sent as follows:

- a. ADOT Highway Maintenance (C/O Don Tail), PO Box 500, Fredonia, AZ 86022
- b. ADOT MVD Port of Entry (C/O Carol Judd), PO Box 367, Fredonia, AZ 86022


### 5. TOWN RESPONSIBILITIES

All trash shall be legally disposed and records made available to the Department upon request

RESOLUTION

BE IT RESOLVED on this 1st day of March 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Town of Fredonia for the purpose of defining responsibilities for the Town providing refuse pickup at the Fredonia Maintenance Yard and the Port of Entry.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for Maintenance for approval and execution.

  
for LARRY S. BONINE  
Director

**FREDONIA TOWN COUNCIL MEETING CONT.**

**APRIL 10, 1996**

Jim Matson - Presented the ADOT business signage for rural highways.

There will be a meeting on April 22 at 4 p.m. at the Kane County Commission Chambers to prepare for the meeting with the Grand Canyon Trust on April 23rd at 1 p.m.

Robin Button made a motion to approve the minutes, seconded by Greg Honey with all in favor. Agenda will approved with changes on a motion by Joy Jordan seconded by Bobbie Rogers. All in favor.

Item #1- Florence Nelson had a complaint on the domestic rabbits that have invaded her yard. Also the dogs running loose, The Marshal will take care of this. Also the dirt road is a problem. This is not a town road and is private property. The council will talk to property owners and check out and make assessments on what can be done.

Item #3 - Firemen presented an incentive program. This is tabled for further study.

Item #4 & 12 - CIP was discussed. It should be ready for draft form by May 3. Resolution #96-2 for extension of the CIP grant to July 15, 1996, on a motion by Robin Button, seconded by Joy Jordan with all in favor.

~~Item #5- Robin Button moved to enter into an intergovernmental agreement with ADOT for refuse collection and disposal at ADOT Yard and port, seconded by Bobbie Rogers with all in favor.~~

Item #6- Medical Center Joy Jordan moved to accept the Notification of vacancy of Physician, seconded by Robin Button with all in favor. Robin Button made a motion to approve to start the process of having our attorney draw up two contracts- one between the Town and Doctor Mortenson and one between the Town and the Arizona Health Services, this being on the recommendation of the Medical Board. Seconded by Bobbie Rogers with all in favor.

Item #7 Asia relationship was discussed. Joy Jordan and Robin Button will check into this.

Item #8- Dropped

Item #9 Joy Jordan moved to approve Jay Mackelprang's school to update his certification, seconded by Robin Button. All in favor.

Item #10- Joy Jordan made a motion to donate \$50 to the DECA program, seconded by Bobbie Rogers. All in favor.

**FREDONIA TOWN COUNCIL CONT.**

**APRIL 10, 1996**

Item #11 - Robin Button made a motion to pay for Isaac Johnson's cell phone, seconded by Joy Jordan. All in favor.

Item #13- Tabled.

Item #14- Annexation. Maps are being checked and contacts will be made.

Item #15- Salary for building inspector were discussed. Will keep track of hours involved for two months. Then decide on salary.

Item #16- Welcome Center plans were reviewed. Greg Honey made a motion to approve plans with changes, seconded by Bobbie Rogers with all in favor.

Item #2- Summer recreation program was discussed with the following on a motion by Greg Honey - Manager be allowed 3 hours per day on game days at \$6 per hour for field preparation and clean up at the completion of games including the cleaning of the restrooms, 35 % of the fees and the concession stand will be available to the manager and that person will be responsible for purchases of supplies and employees wages and will keep all proceeds from sales. Seconded by Joy Jordan with four voting aye and one abstaining.

Joy Jordan made a motion to adjourn at 11:06 p.m., seconded by Greg Honey with all in favor.

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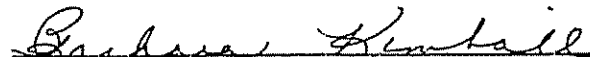
Mayor

Attest:

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Clerk

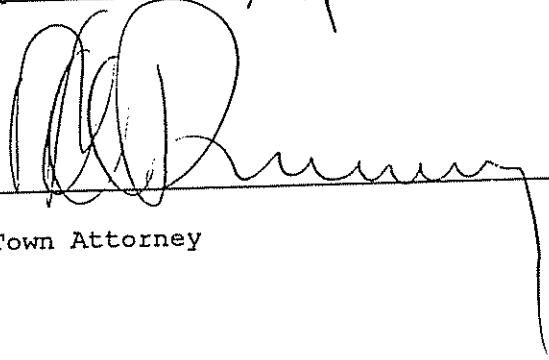
**Certification:** I, hereby, certify that the above is a true and correct copy of the minutes of the meeting, I, further, certify that the meeting was duly called and held.

  
Clerk

APPROVAL OF THE FREDONIA TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF FREDONIA and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 9<sup>th</sup> day of April, 1996.

  
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Town Attorney





STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: 542-1680

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GRANT WOODS  
ATTORNEY GENERAL

## INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR96-0429-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 16th day of April, 1996.

GRANT WOODS  
Attorney General

A handwritten signature in black ink, reading "James R. Redpath".

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
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